

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ALLISON-LOUISE SHATTER,
an individual,

Plaintiff/Counter-Defendant,
vs.

Case No. 2:23-cv-10144-MFL-CI
Hon. Matthew F. Leitman
Magistrate Judge Curtis Ivy, Jr.

ATCHINSON FORD SALES, INC.,
a domestic profit company,

Defendant/Counter-Plaintiff.

JUDGMENT

This matter having come before the Court on Defendant/Counter-Plaintiff's Motion for Partial Summary Judgment, and in accordance with the court's Order (ECF No. 91) granting Defendant/Counter-Plaintiff's Motion for Partial Summary Judgment entered on January 24, 2024 other than Atchinson seeking to be named owner of the subject vehicle, and the Court being fully advised in the premises and for reasons stated on the record:

1. That Plaintiff/Counter-Defendant's initial claims were dismissed with prejudice pursuant to ECF No. 51.

2. This Court issued a report and recommendation on Defendant/Counter-Plaintiff's Motion for Partial Summary Judgment related to its counterclaims on January 5, 2024, granting the motion in substantial part and denying in part.

3. This Court entered adopted said report and recommendation on January 24, 2024 and this Judgment is issued in accordance with that.

IT IS HEREBY ORDERED that judgment hereby is GRANTED in favor of Defendant/Counter-Plaintiff as to its Breach of Contract and Declaratory Judgment claims except to the extent Defendant/Counter-Plaintiff sought to be named owner of the subject vehicle.

IT IS FURTHER ORDERED that Defendant/Counter-Plaintiff is permitted to take further action under Mich. Comp. Laws § 257.236a(1) related to the subject Ford Explorer (VIN: 1FMSK8FHONGC21204).

IT IS FURTHER ORDERED that Plaintiff/Counter-Defendant is awarded damages under the Breach of Contract claim for total damages in the amount of \$68,526.86 pursuant to the terms of the Retail Installment Sale Contract (ECF No. 12, PageID.89-94), which is calculated as follows:

- Unpaid Principal due under the RISC: \$73,777.33

- Interest due under the RISC: \$7,469.95
- Attorney fees: \$20,911.27
- Collection/Repossession Costs: \$2,975.00
- Disposition of Motor Vehicle Expenses: \$893.31
- Minus sale proceeds of Vehicle: (\$37,500)
- **Total: \$68,526.86**

IT IS FURTHER ORDERED that any remaining counterclaims of Defendant/Counter-Plaintiff against Plaintiff/Counter-Defendant are voluntarily dismissed without prejudice and the case shall be closed.

Approved:

KINIKIA ESSIX
CLERK OF COURT

By: s/Holly A. Ryan
Deputy Clerk

s/Matthew F. Leitman
MATTHEW F. LEITMAN
United States District Judge

Dated: November 4, 2024
Detroit, Michigan